IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.1081 OF 2003.

IN

FIRST APPEAL STAMP NO.25109 OF 2000.

The State of Maharashtra : Appellants.

versus

Jayaram Hari Bhoir : Respondent.

Mr.S.N.Gawade, AGP, for the State.

Mr.Anilkumar Patil for the respondent.

CORAM : D.G.DESHPANDE,J.

DATED : 16th September 2005.

ORAL ORDER

1. Heard learned AGP for the appellants in this application for condonation of delay of 947 days and the advocate for the respondent/claimant.

2. The learned AGP for the State contended that, the matter is arising out of the land

acquisition proceedings and the delay has been caused because of the departmental procedure. The learned AGP for the appellant has relied upon certain judgments of the Supreme Court reported in

AIR 1996 SC 1623 [State of Haryana v. Chandra Mani]

JT 1998 (6) SC 242 [N.Balakrishnan v. M. Krishnamurthy]

AIR 1996 SC 2750 [Special Tehsildar, Land Acquisition Kerla v. K.V.Ayisumma]

and pointed out that in all these aforesaid three judgment, the Supreme Court has adopted liberal attitude where the applications for condonation of delay were made by the State.

4. On the other hand advocate for the respondent/claimant strongly opposed this application for condonation of delay on the ground that the explanation given in the application can neither be treated as reasonable nor satisfactory.

5. However, looking to the fact that the matter is arising out of land acquisition proceedings and in view of the liberal attitude adopted by Supreme Court in the aforesaid judgments relied upon by the AGP, this application is allowed subject to payment of costs of Rs.2000/-. Payment of costs is a condition precedent. Costs to be deposited in this court within six weeks from today. After deposit the respondent/claimant will be permitted to withdraw the costs. Civil Application is disposed of. Put up the matter for admission after six weeks.

[D.G.DESHPANDE,J]